

# **REMARKS**

Claims 11-14, 32, and 34-37 are pending. Claims 1-10, 15-30 were withdrawn and were previously canceled. Claims 31, 38 and 39 were previously canceled. Claim 33 is canceled by this communication. Claims 11-14, 32 and 34-38 are rejected. Claims 35-37 are objected to.

## **Objections to claims**

Claims 35-37 are objected to as depending from rejected base claims. The Examiner indicates claims 35-37 would be allowable if re-written in independent form. Claim 35, upon which claims 36 and 37 depend, is amended as the Examiner suggests. Claims 35-37 are now allowable.

## **Objection to claim 33**

Claim 33 is objected to as being of improper dependent form. Claim 33 is canceled. This objection is moot.

## **Rejections under 35 USC 102**

Claims 11 and 34 are rejected as being anticipated under 35 U.S.C. §102(b) by U.S. Patent No. 5,221,724 to Li et al (“Li”).

Claim 11 now defines an implantable device comprising a coating, which comprises a polymeric composition comprising a polysulfone (A) and an elastomeric polymer (B). **The polysulfone and the elastomeric polymer form a conjugate by direct chemical bonding.** The elastomeric polymer is selected from the group consisting of polyisobutylene, polyperfluoroalkylene, polyhexafluoropentene, natural rubber, nylon, poly(butyl methacrylate), poly(lauryl methacrylate), polyalkylene oxide, polyalkylene oxide acrylate, and a combination thereof.

Li describe a polysiloxane-containing polyurea and polyurea urethane block copolymer. The polyurea or polyurea urethane block copolymer can include blocks formed of a diamine which can be, among others, 4,4'-diaminodiphenyl sulphone (claim 14).

Claim 11, as amended, does not read on a polymer conjugate that includes polysiloxane. Accordingly, claim 11 is patentably allowable over Li under 35 U.S.C. §102(b). Claim 34 depends from claim 11 and is patentably allowable over Li under 35 U.S.C. §102(b) for at least the same reason.

Rejections under 35 USC 103

Claims 11-14, 33, 38 and 39 are rejected under 35 USC 103(a) as being obvious over Horres (US 2005/0129731).

Claim 11, as amended, now requires **the polysulfone and the elastomeric polymer form a conjugate by direct chemical bonding** (see the discussion of claim 1, *supra*). In contrast, Horres describes medical products with at least one biocompatible biostable polysulfone layer. The medical product can be in the form of stents (abstract). The polysulfones are mixed with other hydrophilic polymers in a suitable amount. As the Examiner recognizes at page 3, bottom paragraph, of the Office Action mailed on July 2, 2008, Horres does not describe or teach such a conjugate. Accordingly, claim 11 is patentably allowable over Horres under 35 U.S.C. 103(a). Claims 12, 13, and 14, depend from claim 11 and are patentably allowable over Horres under 35 U.S.C. 103(a) for at least the same reason.

Claims 38 and 39 were previously canceled. Claim 33 is canceled by this communication. Applicants believe the rejections as applied to claims 33, 38 and 39 are moot.

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. **07-1850**.

**CONCLUSION**

Withdrawal of the rejection and allowance of the claims are respectfully requested. **If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment.** If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

Respectfully submitted,

Date: September 22, 2008  
Squire, Sanders & Dempsey L.L.P.  
One Maritime Plaza, Suite 300  
San Francisco, CA 94111  
Telephone (415) 393-9885  
Facsimile (415) 393-9887

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Zhaoyang Li, Ph.D., Esq.  
Attorney for Applicants  
Reg. No. 46,872